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Filing date: **08/25/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221511
Party	Plaintiff NIKE, Inc.
Correspondence Address	HELLEN HILL MINSKER BANNER & WITCOFF LTD 10 SOUTH WACKER DRIVE, SUITE 3000 CHICAGO, IL 60606 UNITED STATES hminsker@bannerwitcoff.com, mhouston@bannerwitcoff.com, esullivan@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdock-et@bannerwitcoff.com, capital
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Signature	/helen hill minsker/
Date	08/25/2015
Attachments	007834.00085 Stipulation of Parties for Use of Accelerated Case Resolution Procedure.pdf(93902 bytes)

NIKE, INC.,)	
)	
Opposer,)	Opposition No. 91221511
vs.)	Application No. 86330661
)	
CAPITAL E FINANCE CO, LLC,)	MARK: JUST DID IT
Applicant.)	
)	

Opposer, NIKE, INC. (“Opposer”), and Applicant, CAPITAL E FINANCE CO., LLC (“Applicant”), subject to the approval of the Trademark Trial and Appeal Board, stipulate to resolving the above-captioned Opposition through the Board’s Accelerated Case Resolution (“ACR”) procedure.

1. The parties will waive all disclosures.
2. Neither party shall conduct discovery or rely on expert testimony.
3. Pursuant to the schedule set forth below, or as otherwise amended, the parties will propose a Stipulation of Facts identifying facts, if any, which are not in dispute in the proceeding.
4. Pursuant to the schedule below, or as otherwise amended, each party shall submit to the TTAB its evidence and its ACR brief together. Evidence may be submitted in the form declarations or affidavits, and exhibits thereto, similar to the format used for summary judgment. Evidence that under normal trial procedures could be submitted

by notice of reliance also may be submitted as attachments or exhibits to the parties' briefs. The page limits for briefs shall be the same as those permitted in the TBMP for trial briefs, rather than summary judgment briefs.

5. Substantive objections to evidence pursuant to the Federal Rules of Evidence, such as hearsay, relevance and the like, may be raised in connection with the evidence submitted by a party with its ACR brief, but no objections to evidence may be raised on the grounds that there were no prior disclosures (e.g. initial disclosures, pretrial disclosures), there was no prior discovery and/or there was no cross-examination of witnesses. Applicant's objections to any evidence submitted by Opposer with Opposer's ACR main brief shall be included with Applicant's ACR brief. Opposer's objections to any evidence submitted by Applicant in Applicant's ACR brief shall be included with Opposer's ACR reply brief.
6. Pursuant to the schedule below, or as otherwise amended, prior to submitting their briefs and evidence, at the request of either of the parties, the parties shall participate in a telephone conference with the Board's Interlocutory Attorney to discuss the progress of the matter and any issues of concern, including, but not limited to, whether ACR should continue, whether the schedule and/or format for ACR should be adjusted, any issues relating to the stipulated facts, and/or other any other issues, such as amendments to pleadings in light of stipulated facts, that should be addressed prior to entering the briefing stage.
7. The parties stipulate to forego oral hearing.

8. The parties consent to the TTAB's resolution of any and all disputed issues of material fact and to the TTAB rendering a final decision based on the pleadings, stipulated facts, briefs and evidence.
9. Provided that the Board approves this ACR stipulation by no later than August 31, 2015, and subject to the right, on consent, to extend deadlines if necessary, the parties stipulate to the schedule set forth below. If the Board does not grant its approval of the ACR stipulation by August 31, 2015, then the parties request that any revised schedule set the date that Opposer serves Applicant with a proposed stipulation of facts no earlier than thirty (30) days after the date of the Board's Order confirming the ACR procedure to be used in this proceeding. Further, in the event of a change in dates by the Board, the parties request that all other dates set forth below be adjusted following a similar format to that set forth below (e.g., Applicant's proposed stipulation of facts will be due 30 days after the date of Opposer's stipulation of facts, etc.):

September 30, 2015– Opposer serves Applicant with proposed Stipulation of Facts;

October 30, 2015 - Applicant serves Opposer with its additions and revisions to the proposed Stipulation of Facts;

November 30, 2015 – If agreement is reached, the parties file Stipulation of Facts with the Board by this date. Additionally, at the request of either party, the parties shall participate in a call with interlocutory attorney to discuss the progress of the matter and any issues of concern, including, but not limited to, whether ACR should continue, whether the schedule and/or format for ACR should be adjusted, any issues relating to the stipulated facts, and/or other any other issues, such as amendments to pleadings in light of stipulated facts, that should be addressed prior to entering the briefing stage.

January 30, 2016– Opposer files its ACR brief and evidence with Board;

February 29, 2016 – Applicant files its ACR brief and evidence with Board;

March 20, 2016– Opposer files its rebuttal ACR brief and evidence with the Board; and

May 20, 2016 - Board Decision.

The parties respectfully request that the Board approve this stipulation.

Respectfully submitted,

Stipulated On August 25, 2015 by NIKE, INC. OPPOSER through its Attorneys	Stipulated On August 25, 2015 by CAPITAL E FINANCE CO., LLC through its Manager and Authorized Representative
<p>/helen hill minsker/ _____ (signature)</p> <p>Helen Hill Minsker Maurine Knutsson BANNER & WITCOFF, LTD. 10 South Wacker Drive, Suite 3000 Chicago, Illinois 60606 (t) 312-463-5000 Email: hminsker@bannerwitcoff.com, mknutsson@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com</p>	<p>/Matthew Heller/</p> <p>Matthew Heller 53 APPLETON ST BOSTON, MA 02116-6213 (t) 617-365-0990 capitalefinance@gmail.com</p>

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **STIPULATION OF PARTIES FOR USE OF ACCELERATED CASE RESOLUTION (ACR) PROCEDURE** was served by first class mail to the following address on August 25, 2015, such being the Applicant's correspondence address listed in the TTABVUE system as of this date:

Matthew Heller
Capital E Finance Co, LLC
53 Appleton Street
Boston, Massachusetts 02116-6213
United States

A courtesy copy of the foregoing document is also being sent this same day to Applicant's representative, Matthew Heller, at the following email address: capitalefinance@gmail.com .

/helen hill minsker/

Helen Hill Minsker